



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,736	01/16/2004	Robert R. Riggs	RIGGS.001A	6903

20995 7590 03/24/2005

Knobbe Martens Olson & Bear LLP
2040 Main Street
Fourteenth Floor
Irvine, CA 92614

EXAMINER

Thompson, Hugh B

ART UNIT	PAPER NUMBER
----------	--------------

3634

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/759,736

Applicant(s)

RIGGS, ROBERT R.

Examiner

Hugh B. Thompson II

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☒ Claim(s) 8,10,11,18,20,21,29 and 31-33 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7-19-04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claims 1, 12, 22, and 33, the applicant has positively recited the combination of the assembly and the vehicle/truck. It is suggested that the applicant use the phrase "adapted to" when referring to the unclaimed vehicle/truck and its associated components. Claims 4, 13, 14, 23, 24, recite similar ambiguities.

With respect to claim 11, line 2, it is unclear as to the number of attachment assemblies required. Note, it appears that only one assembly has been set forth.

With respect to claim 22, lines 7-9, there appear to be no illustration of the ladder pivoted sideways in a deployed configuration/orientation. Further, is the deployed orientation of line 7, the same as the deployed configuration of line 9.

With respect to claim 33, there is no antecedent basis for the third pivot of line 13.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 3634

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, 9, 12-17, 22-28, and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Elia #5,617,930. Elia discloses a ladder assembly comprised of tailgate (1) mounted mounting structure components 3, 5, 12(ladder engaging), 13(ladder engaging), 29, 37 & 38 (mounting members), attachment/pivot assemblies 12(ladder engaging), 13(ladder engaging), 14, 17, 31, locks 18, 19, 32, 33, a second pivot axis 20 that allows the ladder to placed in the deployed configuration of Figure 2, and ladder side rails 21, 22, that lie within/between the mounting members in a storage configuration, as best seen in Figure 4.

Allowable Subject Matter

Claims 8, 10, 11, 18, 20, 21, 29, 31, 32, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim, any intervening claims, and in addition to claim 33, rewritten to overcome the Section 112 ambiguities as noted above. The primary reason for the allowable subject matter of claims 8, 18, and 29, is the inclusion of the attachment assembly having a third pivot structure. For claims 10, 20, and 31, it is the inclusion of the attachment assembly having a securing member that couples to the sides of the ladder and a plurality of mounting locations that engage the securing member to allow the securing member to be attached to the mounting locations at a plurality of different mounting orientations. For claim 33 it is the inclusion of the third and fourth pivot axes of the yoke ends. The prior art of record fails to teach or suggest the claimed features absent the applicant's own disclosure.

Art Unit: 3634

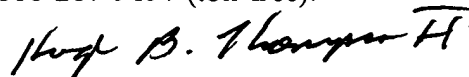
Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Keh-Lin #5,366,052, McComb #4,909,352, Griffin et al #4,877,108, Prochaska #4,482,029, Rolson #6,003,633, Kumher et al #6,315,078, Huber #6,820,723, Berberich #2,946,397, Monaghan et al #3,123,178, and Ross #4,408,680 are cited to teach ladder vehicle attachment assemblies.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hugh B. Thompson II whose telephone number is (703) 305-0102. The examiner can normally be reached on Monday thru Friday 9 am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (703) 308-0827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Hugh B. Thompson II
Primary Examiner
Art Unit 3634

March 17, 2005